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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
v.
NELSON ORELLANA,
Defendant.

No. CR 09-0096-01 LHK

STIPULATED PROTECTIVE ORDER

Pre-Trial Hearing: February 29, 2012
Time: 10:00 a.m.
Trial Date: March 9, 2012

WHEREAS in the above-captioned criminal case, pursuant to the order of the Court, the United States has produced records pursuant to *Giglio v. United States*, 405 U.S. 150 (1972) and *United States v. Henthorn*, 931 F.2d 29 (9th Cir. 1991) ("*Henthorn* Records") regarding an employee of the Drug Enforcement Administration.

U.S. V. ORELLANA PROT. ORDER
CR 09-0096-01 LHK

1 IT IS HEREBY STIPULATED AND AGREED by and between the United States and
2 defendant and his counsel, that the following will govern the handling of the *Henthorn* Records.

3 1. The United States and defendant agree that said material shall be kept confidential by
4 defendant, and shall not be publically filed or otherwise made available to the public, nor shall it
5 be shared with anyone other than defendant, and his counsel and staff supporting counsel in the
6 above-captioned case, and the Court and its personnel. In the event that defendant or his counsel
7 wishes to use or refer to any information contained in the *Henthorn* Records, it shall be filed
8 under seal pursuant to local rules and statutory requirements.

9 2. The recipient of any *Henthorn* Records provided under this Stipulated Protective
10 Order shall keep such information in a manner reasonably intended to preserve and maintain the
11 confidentiality of the information and shall not disclose such information to any individuals
12 except as authorized by this Stipulated Protective Order.

13 3. Within 30 days of the later of the expiration of the deadline to file an appeal or the
14 exhaustion of an appeal, defendant and his counsel agree to destroy any and all copies of the
15 *Henthorn* Records.

16 4. Nothing herein shall prevent a defendant from using the *Henthorn* Records or from
17 referring to, quoting, or reciting from any information contained in the *Henthorn* Records in
18 connection with pleadings or motions filed in this case, at trial, or at sentencing, provided that
19 such materials be filed under seal and/or submitted to the Court for *in camera* inspection prior to
20 public disclosure.

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1 5. Nothing in this order shall preclude the United States or defendant from applying to
2 the Court for relief or modification of this Stipulated Protective Order.

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4 DATED: March 1, 2012

Respectfully submitted,
MELINDA HAAG
United States Attorney

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6 /S/

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8 GRANT P. FONDO
JEFFREY D. NEDROW
Assistant United States Attorneys

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10 DATED: March 1, 2012

/S/

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12 JAMES PHILLIP VAUGHNS
Attorney for defendant

13 **IT IS SO ORDERED.**

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15 DATED: March 2, 2012

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18 HONORABLE LUCY H. KOH
United States District Judge